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SUBJECT: UPDATE ON KEY IDP PROTECTION ISSUES

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1. (SBU) SUMMARY: Civilian population displacement issues in Sri Lanka have evolved rapidly over the last several months. Key protection issues identified most recently by the humanitarian community in Colombo include freedom of movement, transferred displacement, de-mining and demarcation, single-headed households, a need for the re-training for persons with disabilities, NGO access, infrastructure and services, land and property restitution, information sharing with IDPs, continued militarization of the North, the complications of returning "old IDPs," and the possibility of forced returns. END SUMMARY.

FREEDOM OF MOVEMENT

2. (SBU) As of December 6, the United Nations High Commissioner for Refugees (UNHCR) reported that over 158,000 IDPs had returned to their homes or been released to host families. Approximately 126,000 remained in camps. The protection issues detailed below were identified as priorities through a donor update meeting hosted by UNHCR and the United Nations Development Program (UNDP) on December 8, a Human Rights Group meeting of donors, UN agencies and NGO presenters on December 9, and conversations with humanitarian aid actors over the past week.

3. (SBU) The Government of Sri Lanka's (GSL) new freedom of movement policies may come with caveats. UNHCR reported that IDPs in some districts were told that if they did not return within 10 days they would be dropped from assistance rolls and/or ineligible for assisted returns, whereas Assistant Secretary Blake was told by Major General Gunaratne, Commander, Security Forces (Wanni) and Competent Authority for IDPs, at Manik Farm on December 8 that there was no limit on how long departees could remain outside the camps. December 10 marked the end of a 10 day period for the first group of departees, and UNHCR will monitor how many people

come back and any repercussions for those who overstay their time outside the camps. IDPs who receive exit passes are not permitted to visit other camps except under the previous visitation site policy. Some individuals have been denied passes, presumably based on suspected LTTE associations.

TRANSFERRED DISPLACEMENT

¶4. (SBU) Many people counted as "returnees" are actually currently with host families and may be without a durable solution until at least mid-2010. Humanitarian actors emphasized the importance of maintaining a distinction between returns to places of origin and "returns" to sites of continued displacement. IDPs would have differing assistance and protection needs depending on their returns status. UNHCR had developed a policy on what types of assistance would be provided to the different groups and urged the donor community not to forget about the longer term needs of those still in limbo. According to UNHCR, 90 percent of the 69,000 returns to Jaffna over the last two months were to host families. The main obstacles to returns to original homes included incomplete demining, homes in inaccessible high security zones, houses that had been destroyed during the war, and land ownership titling issues. Other Jaffna-born returnees were waiting to return to the Vanni where they had settled for years previous to their most recent displacement. In Mannar, 89 percent of those recently surveyed by an INGO were with host families.

DEMINING AND DEMARCATION

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¶5. (SBU) In addition to the threats returnees face when returning to areas not fully demarcated, the UN cannot access areas lacking demining certification, and thus returnees must walk long distances, often through mined areas, to transit centers to pick up food and other assistance. Lack of UN presence in many areas also limits protection monitoring. Lack of demining in many paddy fields prevents farmers from planting and leaves them without a livelihood. While some advocates continued to call for mine risk education, one INGO representative noted that IDPs from the Vanni had been educated about mines for years and that accidents would stem less from lack of awareness than the necessity of earning a living.

SINGLE-HEADED HOUSEHOLDS

¶6. (SBU) The war, subsequent disappearances, and large numbers of persons held in detention centers had left many people, primarily women, heading households on their own. Many were only recently on their own and had not yet developed coping strategies. Some women did not yet feel capable of returning and preferred to stay in camps. Some of those who did return felt vulnerable in isolated areas without electricity, or ill-equipped to rebuild their homes on their own. Gender-based violence and exploitation has been reported in the camps and could also surface in returns areas. IDPs had also reported considerable anxiety about separated family members, making family reunification an important part of recovery.

RETRAINING FOR PERSONS WITH DISABILITIES

¶7. (SBU) Land-mine accidents and other war-related violence had left a large population of amputees and other disabled persons. They would need assistance developing new skills and livelihoods.

NGO ACCESS

¶8. (SBU) NGOs and INGOs still lacked adequate access to returns areas. While some INGOs have recently been granted access to work in the health sectors, others have had their applications for work in returns areas denied by the Presidential Task Force (PTF). The Sri Lankan Consortium of Humanitarian Agencies had circulated guidelines entitled "Collaboration between Government and NGOs in North Sri Lanka" regarding selection of INGOs for approval and collaboration requirements, but INGOs had not received the guidelines directly from the PTF and it was unclear whether the PTF has approved them. In addition to playing an important role in protection monitoring, INGOs could bring specialized services such as trauma recovery and physiotherapy if granted access.

INFRASTRUCTURE AND SERVICES

¶9. (SBU) Many returns areas lack infrastructure, school systems, health care, transport vital to emergency medical care and other services. UN agencies were working to ensure a smooth transition from relief to development activities.

LAND AND PROPERTY RESTITUTION

¶10. (SBU) As returns increase, so will property disputes in particular, as some of the more long-term IDPs begin to

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return to areas more recently occupied by others. Rule of law and transparency in the judicial system will be essential to resolving disputes, particularly where parties lack documentation.

INFORMATION SHARING WITH IDPS

¶11. (SBU) While the GSL had greatly improved the returns process by providing the International Organization for Migration advance notice of organized returns, the IDPs themselves were still excluded from the process. IDPs were asked to be on standby for organized returns for up to a week. They were given insufficient detail about conditions in their areas of origin to make informed decisions about returning.

DE-MILITARIZATION

¶12. (SBU) In some areas, particularly Kilinochchi, the military maintained a strong presence and sometimes occupied civilian homes. Interlocutors reported slow demilitarization. High security zones continued to bar some returns as well.

PREVIOUS IDPS

¶13. (SBU) The GSL has taken a new interest in the "old IDP" caseload of approximately 300,000 who were displaced before August 2008. On December 7, Resettlement Minister Bathiudeen announced that the GSL would begin returning Muslim IDPs from the Northern Province back to their homes on December 26. An estimated 65,000 to 72,000 Muslim Sri Lankans were expelled from the Northern Province by the LTTE in October 1990. They have lived in displacement for the last 19 years, mainly in camps in Puttalam. The GSL had indicated that it would like UNHCR to extend its support, which now targets post-August 2008 IDPs, to this caseload. UNHCR's budget provided only for the "new IDPs." In UNHCR's view, the newer group was generally more vulnerable as it had not had access to livelihoods in camps. However, UNHCR did recognize that there were vulnerable IDPs among the older group too, and would consider supporting them based on funding availability

and donor input.

POTENTIAL FOR FORCED RETURNS

¶14. (SBU) One humanitarian advocate opined that political pressure could prompt the GSL to close Manik Farm completely before all IDPs had safe, viable destinations for return. The GSL could simply force returns and decline to continue to recognize IDPs or it could move people to transit camps in Kilinochchi and Mullaitivu. Some felt transit camps would be preferable, but there is currently little humanitarian access to these areas.

¶15. (SBU) COMMENT: While recent GSL policy changes may be in part politically motivated as the election draws near, they are nonetheless welcome improvements. As IDPs move from camps to home or transferred displacement, the focus of those providing assistance will also shift, while continuing to provide for any residual population in the camps. Post will continue to monitor and report on protection issues. End Comment.
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